

REMARKS

This is in response to the Final Office Action mailed on August 8, 2005, and the references cited therewith.

Claims 4, 35, 66, and 70 are canceled; as a result, claims 1-3, 5-34, 36-65, and 67-69 are now pending in this application.

§103 Rejection of the Claims

Claims 1-4, 6, 7 10-18, 22, 27, 28, 32-35, 37, 38, 41-49, 53, 58, 59, and 63-70 were rejected under 35 USC § 103(a) as being unpatentable over U.S. 6,317,792 (hereinafter Mundy) in view of U.S. 6,748,439 (hereinafter Monachello).

Applicants respectfully submit that claims 1-4, 6, 7 10-18, 22, 27, 28, 32-35, 37, 38, 41-49, 53, 58, 59, and 63-70 should not be rejected under 35 U.S.C. § 103(a) for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 1 includes the following limitations:

distributing the customized network connection application to a plurality of end-users...

The Final Office Action contends that the above limitation is taught by the following disclosures in Monachello:

....Individual service selection allows each workstation user to select one or more NSPs (network service providers)....

...The CO 40 maintains the NSP selection.

Monachello, Col. 3, lines 11-65.

The first quote from Monachello describes a workstation user that selects (e.g., service selection) a network service provider (e.g., AOL). The second quote from Monachello describes the network service provider (NSP) selection as maintained at a central office (CO).

Claim 1 requires distributing a customized network application to end-users. In contrast, the above quotes from Monachello do not describe distributing a customized network application to end-users; but rather maintaining a network service provider selection at a central office. In other words the above quotes from Monachello never describe a *customized network connection application* much less a customized network connection application that is *distributed to a plurality of end users*. To be sure, Monachello consistently indicates the selection as maintained at a central office (Col. 6, lines 27-31, Col. 9, lines 23-25, Figure 2 – bottom box, and claim 1, “wherein the selection of the at least one NSP is maintained by a central office (CO)...” Clearly a network service provider selection is not the same as a customized network application and, further, maintaining a service provider selection at a central office is not the same as distributing a customized network application to end-users (see Monachello, Figure 3, compare the Central Office and Workstations WS1, WS2, WS3). Monachello therefore cannot be said to teach or suggest the above quoted limitations from claim 1 because Monachello describes a network service provider selection that is maintained at a central office and claim 1 requires distributing a customized network application to end-users.

The above remarks are also applicable to a consideration of independent claims 32, 63 and 67.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 2-4, 6, 7 10-18, 22, 27, 28, 33-35, 37, 38, 41-49, 53, 58, 59, 64-66, and 68-70 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 8 and 39 were rejected under 35 USC § 103(a) as being unpatentable over Mundy and Monachello as applied respectively to claims 7 and 38 above, and in further view of U.S.

6,240,091 (hereinafter Ginzboorg). Claims 8 and 39 depend on independent claims 1 and 32, respectively. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 8 and 39 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 9 and 40 were rejected under 35 USC § 103(a) as being unpatentable over Mundy, Monachello, and Ginzboorg as applied respectively to claims 8 and 39 above, and in further view of U.S. 5,852,812 (hereinafter Reeder). Claims 9 and 40 depend on independent claims 1 and 32 respectively. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 9 and 40 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 19 and 50 were rejected under 35 USC § 103(a) as being unpatentable over Mundy and Monachello as applied respectively to claims 1 and 32 above, and in further view of U.S. 6,753,887 (hereinafter Carolan). Claims 19 and 50 depend on independent claims 1 and 32 respectively. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 19 and 50 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 20 and 51 were rejected under 35 USC § 103(a) as being unpatentable over Mundy and Monachello as applied respectively to claims 1 and 32 above, and in further view of U.S. 6,324,579 (hereinafter Bleuse). Claims 20 and 51 depend on independent claims 1 and 32, respectively. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 20 and 51 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 21 and 52 were rejected under 35 USC § 103(a) as being unpatentable over Mundy and Monachello as applied respectively to claims 1 and 32 above, and in further view of U.S. 6,212,561 (hereinafter Sitaraman). Claims 21 and 52 depend on independent claims 1 and 32, respectively. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 21 and 52 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 23 and 54 were rejected under 35 USC § 103(a) as being unpatentable over Mundy and Monachello as applied respectively to claims 1 and 32 above, and in further view of

U.S. 5,564,017 (hereinafter Corn). Claims 23 and 54 depend on independent claims 1 and 32, respectively. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 23 and 54 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 24-26 and 55-57 were rejected under 35 USC § 103(a) as being unpatentable over Mundy and Monachello as applied respectively to claims 1 and 32 above, and in further view of U.S. 6,125,354 (hereinafter MacFarlane). Claim sets 24-26 and 55-57 depend on independent claims 1 and 32, respectively. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 24-26 and 55-57 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 29, 30, 60, and 61 were rejected under 35 USC § 103(a) as being unpatentable over Mundy and Monachello as applied respectively to claims 1 and 32 above, and in further view of Reeder. Claims 29, 30, 60, and 61 depend on independent claims 1, 1, 32, and 32, respectively. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 29, 30, 60, and 61 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 31 and 62 were rejected under 35 USC § 103(a) as being unpatentable over Mundy, Monachello and Reeder as applied respectively to claims 29 and 60 above. Claims 31 and 62 depend on independent claims 1 and 32, respectively. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 31 and 62 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Mundy in combination with Monachello in combination with Ginzboorg in combination with Carolan in combination with Bleuse in combination with Sitaraman in combination with Corn in combination with MacFarlane in combination with Reeder does not teach or suggest each and every limitation of claims 1, 32, 63 and 67 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

Documents Cited but Not Relied upon for this Final Office Action

Applicants need not respond to the assertion of pertinence stated for the references cited

but not relied upon by the Final Office Action since these references are not made part of the rejections in this Final Office Action. Applicants are expressly not admitting to this assertion and reserve the right to address the assertion should it form part of future rejections.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (408) 846-8871 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ALLA ROZENFELD ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(408) 846-8871

Date 10/11/2005

By Mark R. Vatuone

Mark R. Vatuone
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of October, 2005.

Dawn R. Shaw

Name

Dawn R. Shaw

Signature